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Meeting of States Parties

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Annual report of the International Tribunal for the Law of the Sea for 2002

Presented by the Registrar

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I. Introduction

1. The present report of the International Tribunal for the Law of the Sea is submitted to the Meeting of States Parties under rule 6, paragraph 3 (d), of the Rules of Procedure for Meetings of States Parties and covers the period from 1 January to 31 December 2002.

2. The Tribunal was established by the 1982 United Nations Convention on the Law of the Sea (hereinafter "the Convention"). It functions in accordance with the relevant provisions of Part XV and Part XI of the Convention, the Statute of the Tribunal (hereinafter "the Statute"), as contained in annex VI to the Convention, and the Rules of the Tribunal (hereinafter "the Rules").

3. The Tribunal is composed of 21 members, elected by the States Parties to the Convention in the manner provided for by article 4 of the Statute.

4. On 19 April 2002, the twelfth Meeting of States Parties elected Lennox Fitzroy Ballah (Trinidad and Tobago) to fill the vacancy created by the death on 11 September 2001 of Judge Edward A. Laing (Belize) for the remainder of his term (30 September 2002).

5. In accordance with article 5, paragraph 1, of the Statute, the terms of office of seven members first elected on 1 August 1996 expired on 30 September 2002.

6. Up to 30 September 2002, the composition of the Tribunal was as follows:

Order of precedence	*Country*	*Date of expiry of term of office*
President		
P. Chandrasekhara Rao	India	30 September 2008
Vice-President		
L. Dolliver M. Nelson	Grenada	30 September 2005
Judges		
Hugo Caminos	Argentina	30 September 2002
Vicente Marotta Rangel	Brazil	30 September 2008
Alexander Yankov	Bulgaria	30 September 2002
Soji Yamamoto	Japan	30 September 2005
Anatoly Lazarevich Kolodkin	Russian Federation	30 September 2008
Choon-Ho Park	Republic of Korea	30 September 2005
Paul Bamela Engo	Cameroon	30 September 2008
Thomas A. Mensah	Ghana	30 September 2005
Joseph Akl	Lebanon	30 September 2008
David Anderson	United Kingdom	30 September 2005
Budislav Vukas	Croatia	30 September 2005

Order of precedence	*Country*	*Date of expiry of term of office*
Rüdiger Wolfrum	Germany	30 September 2008
Tullio Treves	Italy	30 September 2002
Mohamed Mouldi Marsit	Tunisia	30 September 2005
Gudmundur Eiriksson	Iceland	30 September 2002
Tafsir Malick Ndiaye	Senegal	30 September 2002
José Luis Jesus	Cape Verde	30 September 2008
Guangjian Xu	China	30 September 2002
Lennox Fitzroy Ballah	Trinidad and Tobago	30 September 2002

7. Since 1 October 2002, the composition of the Tribunal has been as follows:

Order of precedence	*Country*	*Date of expiry of term of office*
President		
L. Dolliver M. Nelson	Grenada	30 September 2005
Vice-President		
Budislav Vukas	Croatia	30 September 2005
Judges		
Hugo Caminos	Argentina	30 September 2011
Vicente Marotta Rangel	Brazil	30 September 2008
Alexander Yankov	Bulgaria	30 September 2011
Soji Yamamoto	Japan	30 September 2005
Anatoly Lazarevich Kolodkin	Russian Federation	30 September 2008
Choon-Ho Park	Republic of Korea	30 September 2005
Paul Bamela Engo	Cameroon	30 September 2008
Thomas A. Mensah	Ghana	30 September 2005
P. Chandrasekhara Rao	India	30 September 2008
Joseph Akl	Lebanon	30 September 2008
David Anderson	United Kingdom	30 September 2005
Rüdiger Wolfrum	Germany	30 September 2008
Tullio Treves	Italy	30 September 2011
Mohamed Mouldi Marsit	Tunisia	30 September 2005

Order of precedence	*Country*	*Date of expiry of term of office*
Tafsir Malick Ndiaye	Senegal	30 September 2011
José Luis Jesus	Cape Verde	30 September 2008
Guangjian Xu	China	30 September 2011
Lennox Fitzroy Ballah	Trinidad and Tobago	30 September 2011
Jean-Pierre Cot	France	30 September 2011

8. The Registrar is Philippe Gautier (Belgium) and the Deputy Registrar is Dooyoung Kim (Republic of Korea).

II. Organization of the Tribunal

A. Changes in the composition of the Tribunal

1. Election of a member of the Tribunal

9. Acting pursuant to article 6, paragraph 1, of the Statute, the Registrar, in a note verbale dated 8 October 2001, informed States Parties of the vacancy which had occurred in the Tribunal because of the death of Judge Edward A. Laing and invited Governments of States Parties to submit by 11 February 2002 the names of candidates they might wish to nominate for election as a member of the Tribunal. In the note verbale, the Registrar informed States Parties that the member elected to replace Judge Edward A. Laing would serve until 30 September 2002.

10. By a note verbale dated 15 November 2001, the Registrar informed States Parties that the President of the Tribunal, after consultation with the President of the Meeting of States Parties, had proposed to have the election held during the twelfth Meeting of States Parties and invited States Parties to communicate their comments. Since no comments were received, the Registrar, by a note verbale dated 1 February 2002, informed the States Parties that the election to fill the seat vacated by Judge Laing for the remainder of his term would be held during the twelfth Meeting of States Parties. A list of candidates, with an indication of the States Parties which had nominated them, was prepared by the Registrar and submitted to States Parties as document SPLOS/77.

11. On 19 April 2002, the twelfth Meeting of States Parties elected Mr. Ballah to fill the vacancy, as referred to in paragraph 4 above.

2. Triennial election of seven members of the Tribunal

12. The eleventh Meeting of States Parties decided that the triennial election of seven members whose terms of office were to expire on 30 September 2002 would be held during the twelfth Meeting of States Parties.[1]

13. Acting pursuant to article 4, paragraph 2, of the Statute, the Registrar, in a note verbale dated 30 November 2001, invited Governments of States Parties to the Convention to submit by 4 February 2002 the names of candidates they might wish to nominate for election as members of the Tribunal. A list of all persons nominated,

in alphabetical order, with an indication of the States Parties which had nominated them, was prepared by the Registrar and submitted to States Parties as document SPLOS/77.

14. On 19 April 2002, the twelfth Meeting of States Parties re-elected Judges Caminos, Ndiaye, Treves, Xu and Yankov and elected Lennox Fitzroy Ballah and Jean-Pierre Cot as judges, for a nine-year term commencing 1 October 2002.

B. Solemn declaration

15. Pursuant to article 11 of the Statute, every member of the Tribunal is required, before taking up his duties, to make a solemn declaration that he will exercise his powers impartially and conscientiously. The declaration is to be made at the first public sitting at which the member is present.

16. The solemn declaration provided for in article 5 of the Rules was made at a public sitting of the Tribunal by Judge Ballah on 25 September 2002 and by Judge Cot on 1 October 2002. Pursuant to paragraph 3 of that article, re-elected members were not required to make a new declaration.

C. Election of the President and the Vice-President

17. On 1 October 2002, the judges elected Judge L. Dolliver M. Nelson as President of the Tribunal. The President entered upon his functions forthwith. On 2 October 2002, Judge Budislav Vukas was elected Vice-President. As provided for in article 12 of the Statute, the President and the Vice-President are both elected for a term of three years.

D. Election of the Deputy Registrar

18. In accordance with articles 32 and 33 of the Rules, the Deputy Registrar is elected from among candidates nominated by members of the Tribunal.

19. On 12 March 2002, the Tribunal elected Doo-young Kim (Republic of Korea) as Deputy Registrar of the Tribunal for a term of five years.

III. Chambers

A. Seabed Disputes Chamber

20. In accordance with article 35, paragraph 1, of the Statute, the Seabed Disputes Chamber consists of 11 judges selected by the members of the Tribunal from among themselves. The members of the Chamber are selected triennially.

21. Pursuant to article 23 of the Rules, the term of office of members selected on 4 October 1999 expired on 30 September 2002. The term of office of two judges who had been selected in accordance with article 35, paragraph 6, of the Statute to fill two vacancies in the Chamber also expired on 30 September 2002. The composition of the Chamber, in order of precedence, was as follows: Judge Treves, President;

Judges Caminos, Marotta Rangel, Yamamoto, Kolodkin, Park, Bamela Engo, Vukas, Wolfrum, Marsit and Xu, members.

22. During the fourteenth session, on 2 October 2002, the Tribunal selected the members of the Seabed Disputes Chamber. As required by the Statute, the judges of the Chamber were selected in such a manner as to ensure the representation of the principal legal systems of the world and equitable geographical distribution. The members of the Chamber entered upon their duties forthwith and elected Judge Marsit as President of the Chamber. The composition of the Chamber, in order of precedence, is as follows: Judge Marsit, President; Judges Caminos, Yankov, Park, Mensah, Chandrasekhara Rao, Anderson, Jesus, Xu, Ballah and Cot, members.

23. The term of office of the members of the Chamber expires on 30 September 2005.

24. During the period under review, the Seabed Disputes Chamber exchanged views on the question of contributions to the expenses of the Tribunal in connection with cases brought before the Chamber by an entity other than a State Party or the International Seabed Authority.

B. Special chambers

1. Chamber of Summary Procedure

25. The Chamber of Summary Procedure is established in accordance with article 15, paragraph 3, of the Statute and consists of five members and two alternates. In accordance with article 28 of the Rules, the President and the Vice-President of the Tribunal are ex officio members of the Chamber, with the President of the Tribunal serving as President of the Chamber. The Chamber is constituted annually.

26. During the fourteenth session of the Tribunal, on 2 October 2002, the Chamber was constituted for the period ending 30 September 2003. The members of the Chamber, in order of precedence, are as follows: President Nelson; Vice-President Vukas; Judges Akl, Marsit and Cot, members; Judges Jesus and Ballah, alternates.

2. Chamber for Fisheries Disputes

27. The Chamber for Fisheries Disputes, established in accordance with article 15, paragraph 1, of the Statute, consists of seven members. As decided by the Tribunal, the members of the Chamber are selected for a three-year term.

28. The term of office of the members of the Chamber selected on 4 October 1999 expired on 30 September 2002. The composition of the Chamber, in order of precedence, was as follows: Judge Eiriksson, President; Judges Caminos, Yamamoto, Kolodkin, Park, Ndiaye and Jesus, members.

29. During the fourteenth session, on 2 October 2002, the Tribunal selected the members of the Chamber for Fisheries Disputes. The members of the Chamber entered upon their duties forthwith and elected Judge Caminos as President of the Chamber. The composition of the Chamber, in order of precedence, is as follows: Judge Caminos, President; Judges Yamamoto, Kolodkin, Park, Wolfrum, Ndiaye and Jesus, members.

30. The term of office of the members of the Chamber expires on 30 September 2005.

3. Chamber for Marine Environment Disputes

31. The Chamber for Marine Environment Disputes, established in accordance with article 15, paragraph 1, of the Statute, consists of seven members. As decided by the Tribunal, the members of the Chamber are selected for a three-year term.

32. The term of office of the members of the Chamber selected on 4 October 1999 expired on 30 September 2002. The composition of the Chamber, in order of precedence, was as follows: Judge Yankov, President; Judges Marotta Rangel, Bamela Engo, Mensah, Akl, Anderson and Vukas, members.

33. During the fourteenth session, on 2 October 2002, the Tribunal selected the members of the Chamber for Marine Environment Disputes. The members of the Chamber entered upon their duties forthwith and elected Judge Treves as President of the Chamber. The composition of the Chamber, in order of precedence, is as follows: Judge Treves, President; Judges Marotta Rangel, Yankov, Bamela Engo, Akl, Anderson and Xu, members.

34. The term of office of the members of the Chamber expires on 30 September 2005.

4. Chamber under article 15, paragraph 2, of the Statute

35. Pursuant to article 15, paragraph 2, of the Statute, the Tribunal shall form a chamber for dealing with a particular dispute if the parties so request. The composition of such a chamber is determined by the Tribunal with the approval of the parties in the manner provided for in article 30 of the Rules.

36. By Order dated 20 December 2000, the Tribunal formed a Special Chamber of five judges to deal with a dispute between Chile and the European Community concerning the conservation and sustainable exploitation of swordfish stocks in the South-Eastern Pacific Ocean. This was the first time that a case had been submitted to a special chamber of the Tribunal.

37. By separate letters dated 19 December 2000, Chile, in exercise of its right under article 17 of the Statute, notified its choice of Francisco Orrego Vicuña as judge ad hoc and the European Community confirmed the choice.

38. The composition of the Special Chamber to deal with the case is as follows: Judge Chandrasekhara Rao, President; Judges Caminos, Yankov and Wolfrum and Judge ad hoc Orrego Vicuña, members.

IV. Meetings of the Tribunal

39. During the period under review, the Tribunal met from 11 to 23 December 2002 to deal with the "*Volga*" *Case*. The Tribunal held two sessions devoted essentially to administrative matters and legal matters not directly related to cases. The thirteenth session of the Tribunal was held from 4 to 15 March 2002 and the fourteenth session from 25 September to 8 October 2002.

V. Judicial work of the Tribunal in 2002

A. *Case concerning the Conservation and Sustainable Exploitation of Swordfish Stocks in the South-Eastern Pacific Ocean (Chile/European Community)*

40. Following an agreement between Chile and the European Community, the Tribunal, by Order dated 20 December 2000, formed a Special Chamber to deal with a dispute between Chile and the European Community concerning the conservation and sustainable exploitation of swordfish stocks in the South-Eastern Pacific Ocean, and made provision in respect of preliminary objections and for the filing of the written pleadings.[2]

41. By separate letters dated 9 March 2001, the parties informed the President of the Special Chamber that they had reached a provisional arrangement concerning the dispute and requested that the proceedings before the Chamber be suspended. In their letters, each party reserved its right to revive the proceedings at any time. Further to the request of the parties, the President of the Special Chamber, by Order dated 15 March 2001, extended the time limit for making preliminary objections. Under the Order, the time limit of 90 days for the making of preliminary objections would commence on 1 January 2004 and each party would have the right to request that the time limit should begin to apply from any date prior to 1 January 2004.

B. *The "Volga" Case (Russian Federation v. Australia), Prompt Release*

42. On 2 December 2002, an application under article 292 of the Convention was filed by the Russian Federation against Australia for the release of the vessel *Volga*, flying the flag of the Russian Federation. The Application was entered in the List of cases as Case No. 11 and named the "*Volga*" *Case*.

43. On 7 December 2002, the Government of Australia filed its Statement in Response.

44. By Order dated 2 December 2002, the President fixed 12 and 13 December 2002 as the dates for the hearing.

45. On 4 December 2002, Australia nominated Ivan Shearer AM, as judge ad hoc. Mr. Shearer was admitted to participate in the case as judge ad hoc after having made a solemn declaration at a public sitting of the Tribunal held on 11 December 2002.

46. Prior to the opening of the hearing, the Tribunal held initial deliberations on 11 December 2002.

47. Oral statements were presented at four public sittings held on 12 and 13 December 2002.

48. On 23 December 2002, the Tribunal delivered its judgment in the case.

VI. Communications from parties to cases concerning action taken pursuant to judgments and orders of the Tribunal

49. In 2002, the Tribunal received communications from parties on matters relating to compliance with judgments and orders with respect to the following case. In the *MOX Plant Case*, the Tribunal received copies of a communication from Ireland dated 1 February 2002 and a communication from the United Kingdom of Great Britain and Northern Ireland dated 6 February 2002 concerning questions and responses between the parties further to the Tribunal's Order of 3 December 2001 and the initial report referred to in article 95, paragraph 1, of the Rules, which each party had submitted to the Tribunal on 17 December 2001. By communications dated 8 April 2002 and 17 April 2002, transmitted by the United Kingdom and Ireland respectively, the Tribunal was informed that an arbitral tribunal had been constituted in accordance with annex VII to the Convention to deal with the dispute concerning the MOX Plant.

VII. Committees

50. During its fourteenth session, on 2 October 2002, the Tribunal reconstituted its committees for the period ending 30 September 2003.[3]

A. Committee on Budget and Finance

51. The members of the Committee on Budget and Finance selected on 2 October 2002 are as follows: Judge Akl, Chairman; Judges Yankov, Mensah, Anderson, Treves, Jesus, Cot, members.

B. Committee on Rules and Judicial Practice

52. The members of the Committee on Rules and Judicial Practice selected on 2 October 2002 are as follows: President Nelson, Chairman; Vice-President Vukas; Judges Caminos, Marotta Rangel, Yankov, Yamamoto, Mensah, Chandrasekhara Rao, Akl, Anderson, Treves, Marsit (ex officio) and Ndiaye, members.

C. Committee on Staff and Administration

53. The members of the Committee on Staff and Administration selected on 2 October 2002 are as follows: Judge Wolfrum, Chairman; Judges Caminos, Kolodkin, Bamela Engo, Mensah, Marsit, Xu and Cot, members.

D. Committee on Library and Publications

54. The members of the Committee on Library and Publications selected on 2 October 2002 are as follows: Judge Anderson, Chairman; Judges Caminos, Marotta Rangel, Chandrasekhara Rao, Park, Wolfrum, Treves and Ndiaye, members.

E. Committee on Buildings and Electronic Systems

55. The members of the Committee on Buildings and Electronic Systems selected on 2 October 2002 are as follows: Judge Jesus, Chairman; Judges Yankov, Akl, Anderson, Wolfrum and Ballah, members.

VIII. Rules of the Tribunal and supplementary documents

A. Costs to be borne by parties

56. During the thirteenth and fourteenth sessions, the Committee on Rules and Judicial Practice considered, on the basis of a background paper prepared by the Registry, the question of expenses relating to cases brought by an entity other than a State Party or the International Seabed Authority. The Committee exchanged views on the need to develop guidelines to assist the Tribunal in fixing the amount that would have to be contributed towards the expenses of the Tribunal in accordance with article 19, paragraph 2, of the Statute, when an entity other than a State Party or the International Seabed Authority is a party to a case submitted to the Tribunal.

57. On the recommendation of the Committee, the Tribunal decided, at its fourteenth session, to continue consideration of the item at its next session.

B. Request for advisory opinions under article 138 of the Rules

58. During its thirteenth session, the Tribunal exchanged views on the matter based on a document prepared by Vice-President Nelson.

59. At its fourteenth session, the Tribunal decided to continue consideration of the matter at its next session.

C. Bonds and other financial security

60. During its thirteenth and fourteenth sessions, the Tribunal gave consideration to this item on the basis of a document prepared by Judge Akl and previous reports on the subject.

61. At its fourteenth session, the Tribunal decided to keep the item on the agenda for discussion at its next session and requested the Registry to collect further information on the matter.

D. Secrecy of deliberations

62. During the fourteenth session of the Tribunal, the Committee on Rules and Judicial Practice exchanged views on the item, on the basis of a document submitted by Judge Anderson and a background paper prepared by the Registry. On the recommendation of the Committee, the Tribunal decided to continue consideration of the item at its next session.

IX. Privileges and immunities

A. General Agreement

63. The Agreement on the Privileges and Immunities of the International Tribunal for the Law of the Sea, adopted by the seventh Meeting of States Parties on 23 May 1997, was deposited with the Secretary-General of the United Nations and opened for signature at United Nations Headquarters for 24 months as from 1 July 1997.[4] The Agreement entered into force on 30 December 2001, 30 days after the date of deposit of the tenth instrument of ratification or accession. At the closing date for signature, 21 States had signed the Agreement. As of 31 December 2002, 12 States had ratified it or acceded to it.

B. Headquarters Agreement

64. During the period under review, negotiations continued with the German authorities on the Headquarters Agreement between the Tribunal and the Federal Republic of Germany. However, no progress has been made towards concluding the Agreement.

65. Pending the conclusion of a headquarters agreement, an interim ordinance was adopted by the host country,[5] which applies, mutatis mutandis, the relevant provisions of the Convention on the Privileges and Immunities of the Specialized Agencies of 21 November 1947.

X. Relations with the United Nations and other organizations

A. Observer status in the General Assembly

66. A statement of the President of the Tribunal addressed to the General Assembly at its fifty-seventh session was circulated under agenda item 25 (a), entitled "Oceans and the law of the sea". The President of the Tribunal could not deliver his statement in person since the Tribunal was engaged in dealing with the "*Volga*" *Case*.

B. Relationship with the United Nations

67. By exchange of letters dated 6 March 2002, an administrative arrangement on cooperation was concluded between the Registry of the Tribunal and the Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs of the United Nations.

C. Relationship with other organizations and bodies

68. In accordance with the decisions of the Tribunal at its twelfth and thirteenth sessions, administrative arrangements on cooperation were concluded between the Registry of the Tribunal and the following organizations or bodies: the Appellate Body Secretariat of the World Trade Organization, the International Hydrographic

Bureau of the International Hydrographic Organization, the Legal Affairs Division of the World Trade Organization Secretariat and the secretariat of the International Maritime Organization.

XI. Premises of the Tribunal

69. The terms and conditions under which the premises are made available by the Federal Republic of Germany to the Tribunal are established in the Agreement of 18 October 2000 between the International Tribunal for the Law of the Sea and the Government of the Federal Republic of Germany on the Occupancy and Use of the Premises of the International Tribunal for the Law of the Sea in the Free and Hanseatic City of Hamburg.

70. A meeting between the Registry and the competent German authorities took place on 11 November 2002 to discuss pending issues arising out of the Tribunal's report dated 6 November 2001, prepared in accordance with article 4, paragraph 7, of the above Agreement.

XII. Finances

A. Budget

1. Budget for 2003

71. The budget proposals for 2003, approved by the Tribunal at its thirteenth session, were submitted to the Meeting of States Parties. The proposals, involving an amount of US$ 7,798,300, were based on the principle of zero growth of the overall budget and in fact showed a slight decrease compared with the approved budget for 2002.

72. The Meeting of States Parties approved the budget as proposed by the Tribunal. The approved budget provided for recurrent expenditure of $6,710,400, including $1,896,000 for the remuneration, travel and pensions of the judges and $3,021,300 for salaries and related costs of staff, and non-recurrent expenditure of $100,000. The Meeting of States Parties also approved $987,900 as contingency to be used in the event of cases being submitted to the Tribunal. The Meeting of States Parties further approved, on an exceptional basis, an additional amount of $500,000, to be appropriated to the Working Capital Fund of the Tribunal to provide the Tribunal with the necessary financial means to consider cases where the expenditure cannot be met from the contingency or from transfer of funds between appropriation sections. The resources derived from savings from the financial period 2001 and were to be used only in the event of temporary shortfalls in funds.[6]

2. Budget proposals for 2004

73. At the fourteenth session of the Tribunal, the Committee on Budget and Finance gave preliminary consideration to the budget for 2004.

3. Report on budget performance

74. At its thirteenth session, the Tribunal considered the report presented by the Registrar concerning the budget performance for 2001.

4. Savings from previous budgets

75. Following the proposal of the Tribunal, the twelfth Meeting of States Parties decided that the Tribunal should surrender the savings from the budgets of the Tribunal for 1998, 1999 and 2000, in keeping with the Financial Regulations of the United Nations. The amount of savings will be deducted from the assessed contributions for the year 2003.[7]

B. Status of contributions

76. As at 31 December 2002, 58 States Parties had made their contributions to the 2002 budget in the full amount assessed, totalling $7,117,411, while 70 States Parties had not made any payments with respect to their assessed contributions for 2002. The balance of unpaid contributions with respect to the 2002 budget was $685,127.

77. Furthermore, assessed contributions amounting to $926,594 in respect of the 1996-1997, 1998, 1999, 2000 and 2001 budgets were still pending as of 31 December 2002.

78. The balance of unpaid contributions with respect to the overall budget of the Tribunal amounted to $1,611,721. The Registrar sent notes verbales to the States Parties concerned in September 2002, reminding them of their outstanding contributions to the budgets of the Tribunal.

C. Staff Assessment Fund

79. Following the proposal of the Tribunal, the twelfth Meeting of States Parties authorized the Tribunal to continue with its current practice with regard to the staff assessment account pending the adoption of a decision by the Meeting of States Parties on the basis of a detailed proposal to be submitted by the Tribunal at the next Meeting of States Parties.[8]

D. Report of the Auditor for 2000 and 2001

80. In accordance with the Financial Regulations of the United Nations, which are applicable mutatis mutandis to the Tribunal, arrangements were made for the accounts of the Tribunal to be audited by an internationally recognized auditing firm.

81. The audit report for 2000 was submitted by the Tribunal to the twelfth Meeting of States Parties. The Meeting considered and took note of the report.

82. The audit report for the financial year 2001 was presented by the Registrar at the fourteenth session of the Tribunal. The auditor, having reviewed the transactions and operations over that period, was satisfied that the financial statements presented

fairly, in all material respects, the financial position of the Tribunal, as at 31 December 2001, and that they were in conformity with generally accepted accounting principles and with the Financial Regulations of the United Nations, which applied mutatis mutandis. The Tribunal took note of the audit report for 2001 and requested that the report be submitted to the thirteenth Meeting of States Parties.

83. On the basis of the recommendation of the Committee on Budget and Finance, the Tribunal, at its fourteenth session, authorized the appointment of the auditor for a further year.

E. Financial Regulations

84. Pending approval of the Financial Regulations of the Tribunal by the Meeting of States Parties, the Financial Regulations and Rules of the United Nations apply mutatis mutandis.

85. During the twelfth Meeting of States Parties, the Financial Regulations of the Tribunal were discussed in an open-ended working group, which was chaired by the President of the Meeting. The working group reached agreement on all provisions as contained in the "Draft Financial Regulations of the International Tribunal for the Law of the Sea: informal working paper by the President of the Meeting of States Parties, dated 26 April 2002". It was agreed that the document would be forwarded to the thirteenth Meeting of States Parties for adoption.[9]

F. Trust funds and donations

86. On 30 October 2000, the General Assembly, in its resolution 55/7 entitled "Oceans and the law of the sea", requested the Secretary-General to establish and administer a voluntary trust fund to assist States in the settlement of disputes through the Tribunal. The trust fund was thereafter established and is operational.

87. As at 31 December 2002, contributions to the trust fund amounted to $39,554, which had been made by the Government of the United Kingdom.

XIII. Administrative matters

A. Staff Regulations and Rules

88. During the thirteenth and fourteenth sessions of the Tribunal, the Registrar reported to the Tribunal on the review of the functioning of the Registry.

89. Upon the recommendation of the Committee on Staff and Administration, the Tribunal, during its thirteenth session, approved amendments to the Staff Regulations of the Tribunal dealing with the salary scale for staff in the Professional and higher categories.

90. During the thirteenth and fourteenth sessions, the Registrar reported to the Tribunal on amendments to the Staff Rules concerning home leave, reflecting changes to the United Nations Staff Rules, and the Subsidiary Panel to the Appointment and Promotion Board. Further to the formal introduction of the euro in Germany, a technical correction was made to appendix G of the Staff Rules. On the

basis of the recommendation of the Committee on Staff and Administration, the Tribunal took note of these amendments.

B. Staff recruitment

91. The Tribunal continued the recruitment process for both Professional and General Service staff. At the end of 2002, the status of the recruitment process was as follows:

(a) Recruitment completed for one post of Head of Conference and Linguistic Services at the P-5 level, one post of Translator/Reviser at the P-4 level and one post of Legal Officer at the P-3 level;

(b) Recruitment completed for one General Service post.

92. Temporary personnel were recruited to assist the Tribunal in connection with the "*Volga*" *Case* and during its thirteenth and fourteenth sessions.

C. Internship programme

93. Modelled on the United Nations internship programme, an internship programme of the Tribunal was established in 1997. During 2002, 20 persons served different periods of internship at the Tribunal. At its thirteenth session, the Tribunal also approved the recommendation by the Committee on Staff and Administration to take steps to include persons in the programme participating in other programmes in the field of international law, the law of the sea or other subjects relating to the work of the Tribunal. Accordingly, arrangements were concluded with the United Nations Institute for Training and Research training programme and the programme of the Max Planck Institute (Hamburg).

94. An information sheet and application form concerning the programme can be obtained from the Registry or from the Tribunal's web sites: www.itlos.org or www.tiddm.org.[10]

XIV. Buildings and electronic systems

A. Requirements for the permanent premises

95. During the thirteenth and fourteenth sessions of the Tribunal, the Registrar presented reports to the Tribunal on requirements for the permanent premises, including buildings arrangements, electronic systems and courtroom technology. The Registrar was requested to report on action taken in this respect at the next session.

B. Public access

96. On 9 March 2002, the first open day of the Tribunal was held. With more than 3,000 visitors to the premises, the open day was deemed a great success.

C. Use of the premises

97. The following events were organized on the premises of the Tribunal during 2002:

(a) On 26 August 2002, a session of the Summer School of the Zeit Foundation was held;

(b) On 28 September 2002, the International Foundation for the Law of the Sea held a seminar entitled "Maritime Talks 2002: Worldwide Terrorism — New Challenges for Merchant Shipping";

(c) From 4 to 7 November 2002, the secretariat of the Convention to Combat Desertification held a meeting of the Group of Experts of the Committee on Science and Technology.

D. Artwork

98. In 2002, the Tribunal received a gift of a painting from the Government of Belize. The painting is entitled "Dangriga River" by Pen Cayetano and was donated in memory of the late Judge Edward A. Laing.

XV. Balance between official languages of the Tribunal

99. The Registrar reported to the Tribunal, at its thirteenth and fourteenth sessions, on steps taken to ensure a balance between the two official languages of the Tribunal. English and French language courses for staff members were held at the Tribunal in 2002. On the basis of the recommendation of the Committee on Staff and Administration, the Tribunal approved the establishment of German classes for staff members outside working hours and the granting of a 50 per cent subsidy to each staff member attending the classes for a limited period of two years.

XVI. Library facilities

100. During the thirteenth and fourteenth sessions, the Registrar reported on several matters pertaining to the Library, including the integrated library system, the security system, online databases and the need for increased library space. The Tribunal decided to give further consideration to these issues at its next session.

101. A list of donors to the Library is contained in the annex to the present report.

XVII. Publications

102. The status of the Tribunal's publications was reviewed by the Committee on Library and Publications during the thirteenth and fourteenth sessions of the Tribunal.

103. During the period under review, the following volumes were published:

(a) *Yearbook 2000*;

(b) *ITLOS Pleadings, Minutes of Public Sittings and Documents 1998*, vol. 2, *M/V "SAIGA" (No. 2) (Saint Vincent and the Grenadines* v. *Guinea), Provisional Measures*;

(c) *ITLOS Reports of Judgments, Advisory Opinions and Orders 1999*;

(d) *ITLOS Reports of Judgments, Advisory Opinions and Orders 2000*.

XVIII. Public information and web site

104. The Tribunal publicized its work by means of its web site, press releases and briefings by the Registry and by distribution of its judgments, orders and publications.

105. The web site can be accessed at the following addresses: www.itlos.org or www.tiddm.org.[10] The texts of the judgments, orders and verbatim records of hearings of the Tribunal are available on the web site together with other information about the Tribunal.

106. In 2002, judges also delivered addresses and published papers on the work of the Tribunal.

XIX. Twentieth anniversary of the Convention

107. On 9 December 2002, Judge Yankov, on behalf of the President, delivered a statement commemorating the twentieth anniversary of the opening for signature of the 1982 United Nations Convention on the Law of the Sea at the plenary of the fifty-seventh session of the General Assembly. The President of the Tribunal could not deliver his statement in person since the Tribunal was engaged in dealing with the "*Volga*" *Case*.

XX. International Foundation for the Law of the Sea

108. The President of the Tribunal, in his statement of 10 December 2002 addressed to the plenary of the fifty-seventh session of the United Nations General Assembly, expressed words of gratitude to the Federal Republic of Germany and, in particular, to the Free and Hanseatic City of Hamburg for their continuous support. In that respect, he also noted with appreciation and welcomed the proposal to set up an international foundation for the law of the sea in Hamburg, designed to promote the role of the Tribunal and its seat as a focal point for the settlement of disputes concerning the law of the sea.

XXI. Future work

109. The Tribunal decided to hold its fifteenth session from 10 to 21 March 2003 to deal with organizational and administrative matters and other matters having a bearing on the judicial work of the Tribunal.

Notes

[1] SPLOS/73, para. 109 (f).

[2] For the composition of the Special Chamber, see para. 36.

[3] For the terms of reference of the committees, see SPLOS/27, paras. 27-40, and SPLOS/50, paras. 36-37.

[4] SPLOS/24, para. 27.

[5] German Ordinance on the Privileges and Immunities of the International Tribunal for the Law of the Sea of 10 October 1996.

[6] SPLOS/91, paras. 39 and 40.

[7] Ibid., para. 42.

[8] Ibid., para. 43.

[9] Ibid., paras. 45 and 46.

[10] The address will change to: www.tidm.org.

Annex

List of donors to the Library of the International Tribunal for the Law of the Sea during 2002

Asociación Argentina de Derecho Internacional, Buenos Aires

Bundesforschungsanstalt für Fischerei, Hamburg

Comité Maritime International, Antwerp, Belgium

European Commission, Directorate General for Fisheries, Brussels

Federal Maritime and Hydrographic Agency, Hamburg

Food and Agriculture Organization of the United Nations, Rome

Inter-American Court of Human Rights, San José, Costa Rica

Inter-American Institute of Human Rights, San José, Costa Rica

Inter-American Tropical Tuna Commission, La Jolla, California, United States of America

Inter-Parliamentary Union, Geneva

International Court of Justice, The Hague

International Maritime Organization, London

International Seabed Authority, Kingston

International Tribunal for Rwanda, Arusha

International Tribunal for the Former Yugoslavia, The Hague

International Whaling Commission, Cambridge, United Kingdom

Dr. Uwe Jenisch, Kiel, Germany

Professor Barbara Kwiatkowska, The Netherlands Institute for the Law of the Sea, Utrecht

Professor Barbara Kwiatkowska, The Netherlands Institute for the Law of the Sea, Utrecht

Professor Dr. Rainer Lagoni, Institut für Seerecht und Seehandelsrecht der Universität Hamburg

Mare, Die Zeitschrift der Meere, Hamburg

Max-Planck-Institut für ausländisches öffentliches Recht und Völkerrecht, Heidelberg, Germany

Professor Bernard H. Oxman, University of Miami School of Law, Coral Gables, Florida, United States of America

Ms. Silvia Ragagnin, Pordenone, Italy

Mr. Hjalmar Thiel, Hamburg

UNESCO Institute for Education, Hamburg

UNESCO, Paris

United Nations Environment Programme, Nairobi

United States Naval War College, Oceans Law and Policy Department, Newport, Rhode Island

Walther-Schücking-Institut für internationales Recht an der Universität Kiel, Kiel, Germany

World Meteorological Organization, Geneva

World Trade Organization, Geneva

Professor Keyuan Zou, East Asian Institute, National University of Singapore